SBCivil Writ Petition No.5526/2003

Kamal Sharma
Vs.
State of Rajasthan & Ors.

Date of Order :: 5th October, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. M.A.Siddiqui, for the petitioner.
Mr. Shyam Ladrecha, Addl.Govt.Advocate.

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The respondents under a notification dated 28.7.2003 invited applications from eligible candidates for the purpose of appointment to the post of Instructor, Physical Education Gr.III. The petitioner being desirous to be considered for appointment submitted an application in pursuant to the advertisement referred above and he was called by the respondents to face interview on 3.9.2003 under a communication dated 29.8.2003. The interview call was received by the petitioner on 3.9.2003 and, therefore, it was not possible for him to face the selection proceedings.

It is contended by counsel for the petitioner that the interview call letter was dispatched by the respondents on 1.9.2003 with an intention to debar the petitioner from appearing in selection proceedings. It is emphasised that the petitioner belongs to the District other than the District of Chittorgarh, therefore, such a practice was adopted. This Court

under the order dated 11.9.2006 directed the respondents to produce the dispatch register of the respondents office, in pursuant thereof the entire record has been produced by the respondents before the Court. From perusal of the same it is found that the respondents received a communication dated 27.8.2003 from the Director, Secondary Education, Rajasthan, Bikaner on 28.8.2003 making certain changes in the criteria for holding interviews for the purpose of appointment to the post of Instruction, Physical Education Gr.III. The delay was caused due to such change made under the communication dated 27.8.2003. It is also found that all the call letters were dispatched either on 31.8.2003 or on 1.9.2003. No malafides appears on part of the respondents in dispatching call letters at belated stage.

The other contention of counsel for the petitioner is that the interview required to be conducted for the purpose of appointment as Instructor, Physical Education Gr.III is nothing but verification of original testimonials. According to the petitioner the respondents did not determine his merit by taking into consideration his Bachelors Degree in Physical Education.

From perusal of record it is also clear that the respondents awarded requisite marks to the petitioner by taking into consideration Bachelors

Degree in Physical Education possessed by the petitioner. In view of it, I do not find any error in determining merit of the petitioner by the respondents.

The writ petition, therefore, is dismissed.

(GOVIND MATHUR),J.

kkm/ps.